

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TONYA HOWARD and EBONY JOHNSON,

Plaintiffs,

v.

TATE LEGACY INCORPORATED and
DARLENE TATE,

Defendants.

No. 22 CV 2817

Judge Manish S. Shah

**ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION
FOR CONDITIONAL CERTIFICATION**

In the Original Complaint—Collective Action (ECF No. 1), Plaintiffs allege that they worked as Tax Preparers for Defendants Tate Legacy Incorporated and Darlene Tate (collectively “Defendant” or “Defendants”), and that Defendants failed to pay them lawful minimum and overtime wages. 29 U.S.C. § 216 permits an employee to bring an action against an employer “[on] behalf of himself . . . and other employees similarly situated.”

The Court has reviewed Plaintiffs’ pleadings and their unopposed motion for conditional certification. Plaintiffs seek certification of a collective as follows:

All Tax Preparers since May 27, 2019.

The Court finds that Plaintiffs’ allegations as stated in the Original Complaint—Collective Action and their Unopposed Motion for Conditional Certification are sufficient to allow an initial conditional certification of the case as a collective

action. Therefore, the Court GRANTS Plaintiffs' Unopposed Motion for Conditional Certification, including the proposed form and method of notice.

Further, the Court ORDERS Defendants to provide Plaintiffs with a list (in an electronic format) of the names, last known physical addresses and email addresses of all current or former employees in the class listed above within one (1) week of the date of this Order. Upon receipt of the list by Plaintiffs, Plaintiffs shall send to potential class members the Court-approved notice of this action with a date-specific deadline for opting-in that is ninety (90) days from the date of the mailing of the notices by email and regular mail. Defendants are also ORDERED to provide dates of birth and partial social security numbers for any class members whose U.S.P.S.-mailed Notice is returned as undeliverable to assist in locating the correct address for those members so that they receive notice.

Plaintiffs' counsel is ORDERED to send an email message that contains the Court-approved message and a link to a website containing electronic copies of the court-approved Notice and Consent to Join forms that can be paperlessly signed by interested class members and electronically returned to Plaintiffs' counsel in the form and with the accompanying language as proposed by Plaintiffs in his Motion for Conditional Certification, for Approval and Distribution of Notice and for Disclosure of Contact Information.

Plaintiffs' counsel is ORDERED to send a follow-up Postcard via regular U.S. Mail and e-mail that contains the Court-approved message to any class members who have not responded thirty (30) days after the mailing of the initial court-approved notice.

ENTER:

Date: January 12, 2023

A handwritten signature in black ink, appearing to read 'Manish S. Shah', written over a horizontal line.

Manish S. Shah
U.S. District Judge